



**February 2, 2023**

Bob Gilbert  
Unit 521  
77 Central Apartments

Subject Property: Unit 521, 77 Central Apartments, 2630 77th Ave SE, Mercer Island, WA 98040

Dear Bob,

Per your request for an RCW 59.18.115 certification letter inspection, on January 19, 2023, I contacted Nora Grant, the property manager at 77 Central Apartments, to arrange a site inspection to review your specific listed concern about the lack of adequate permanent heat within your unit. Instead of arranging for an inspection, she confirmed that your unit does not have permanent heat at this time. So, an inspection was not necessary to verify the condition.

Therefore, I am able to certify on January 19, 2023, the permanent heating system at the subject unit was not able to maintain the required 70 degrees Fahrenheit. Furthermore, it is certified that the permanent heating system had not been able to provide adequate heat for more than a 72-hour period as specified within the RCW.

I discussed the temporary heating situation with the property manager, she stated they have supplied and will continue to make their inventory of temporary heaters available to tenants as necessary to maintain the required 70 F within the units.

Also, she provided an update on the repair status of the permanent heating system affecting the subject unit. Apparently, their recent testing found more coils within two systems that require replacement parts. The parts are on order and their worst-case estimate for the receipt of parts, installation, and all units back in service is before mid-February. Reportedly, the contractor is ready to make the repair, but the coils are only manufactured overseas, and they are using the fastest shipping option made available by the manufacturer. To remove this shipping delay from the time equation in the future, she is ordering a stockpile of extra coils.

The sole purpose of this certification letter is to verify, to the best of my ability, whether specifically listed condition existed. This letter is for the purposes of your private civil remedy, and therefore shall not be related to any other governmental function of the City of Mercer Island.

Please let me know if I can be of further assistance. I can be reached at (206) 275-7701 or [don.cole@mercergov.org](mailto:don.cole@mercergov.org) if you have any questions.

Sincerely, 

Don Cole, Building Official

Development Services Group, City of Mercer Island

9611 SE 36th St. Mercer Island, WA 98040-3732

206.275.7605 phone

206.275.7726 fax

206.275.7701 voicemail

[don.cole@mercergov.org](mailto:don.cole@mercergov.org)

## Eileen Keiffer

---

**From:** Don Cole  
**Sent:** Tuesday, November 29, 2022 3:09 PM  
**To:** Alicia Litts  
**Subject:** Review of listed conditions in letter dated 10/24/2022

Dear Alicia,

Per your RCW 59.18.115 request for an inspection, a site visit was made on November 17, 2022 to review your specific listed concerns and verify whether the conditions existed at the time of my visit. No other conditions were reviewed, and no other areas of the premises visited. The sole purpose of this review was to verify, to the best of my ability, whether specifically listed conditions existed. This letter is for the purposes of your private civil remedy, and therefore shall not be related to any other governmental function of the City of Mercer Island.

During my visit, you reported providing the owner written notice of these same items more than 72 hours ago and that notification of some items occurred almost a month ago. Also, you reported that none of the items had been adequately corrected. You directed me to view the listed concern within your letter dated October 24, 2022 in order to check whether the specific conditions still existed. Please see the following description of findings for each item. Also, I discussed each item with the property manager, Nora Grant, and have included status information when applicable.

- 1). At the time of my inspection, it was confirmed that permanent heating system was not operational. Temporary heating was provided and based on the unit's thermostat reading, appeared to maintain adequate heat within the unit. The property manager indicated that due to supply delays the permanent heat system would not be repaired until the first week in December. However, adequate temporary heating will be provided.
- 2). At the time of my inspection, it was confirmed that the large ventilation fan located in garage the was operational. The property manager indicated that emanating noise concerns had been mitigated.
- 3). At the time of my inspection, the glass shower door was being replaced. The property manager indicated that this work was completed.
- 4). As discussed, the AC unit operation is not subject to the housing code or city related enforcement of the landlord tenant law. You may want to review my prior email with information about other tenant resources (Attorney General's Office, tenants union, etc.).
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**From:** Alicia Litts <adiane02@hotmail.com>  
**Sent:** Wednesday, November 23, 2022 7:22 PM  
**To:** Don Cole <Don.Cole@mercergov.org>  
**Subject:** Re: [77 Central Neighbors] For those with no heat (or other safety issues)

Hello Mr. Cole, as of tomorrow it will be one month we have been without heat. If I remember correctly you were going to send a report confirming we didn't have heat at the time of your visit. I have not received the report and wanted to check on the status. If I am wrong please let me know what I should be expecting from your visit.

Hope you have a happy and warm thanksgiving!

Thanks! Alicia

Sent from my iPhone

On Nov 9, 2022, at 12:13 PM, Alicia Litts <[adiane02@hotmail.com](mailto:adiane02@hotmail.com)> wrote:

Mr. Cole, your information was passed to me by Laura Shepherd as I am also a resident of 77 Central. I gave C&W notice of repairs required on October 24, 2022 - attached. As of today, November 9, 2022, items 1 and 2, which are serious health and safety issues and possibly item 5 if not properly repaired, have not been addressed. Per the Washington Residential Landlord Tenant Act, Cushman & Wakefield should have already started all of the repairs requested. Most urgent of these matters is item 1 the LOSS of HEAT followed by item 2 the CO ventilation system. We have been without heat for over two weeks. WINTER IS HERE and as of this morning it was 33 degrees. The cold weather/rain drives people and their cars indoors and without a properly maintained CO ventilation system there is the potential for increased CO poison and possibly death of tenants, visitors, 77 Central staff and their contracted workers. I am requesting your assistance due to Cushman & Wakefield's unresponsiveness to the health and safety repairs needed at 77 Central.

Thanks! Alicia Litts

703.447.8789

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**From:** [77-central-neighbors@googlegroups.com](mailto:77-central-neighbors@googlegroups.com) <[77-central-neighbors@googlegroups.com](mailto:77-central-neighbors@googlegroups.com)> on behalf of Laura E. Shepherd <[laura.shepherd@comcast.net](mailto:laura.shepherd@comcast.net)>  
**Sent:** Saturday, November 5, 2022 12:11 AM  
**To:** 77 Central Neighbors <[77-central-neighbors@googlegroups.com](mailto:77-central-neighbors@googlegroups.com)>  
**Subject:** [77 Central Neighbors] For those with no heat (or other safety issues)

Today I had a conversation with the Mercer Island Building Official that handles landlord-tenant issues. All he is able to do is act as a neutral third party to verify the landlord has not resolved a **safety issue** in the timeframe required **after receiving proper notice from the tenant**. This is needed if there is ever a lawsuit but it can also be used as a way to get repairs done in a more timely fashion.

He did say the Attorney General is where you would go to file a complaint for violation of the Landlord-Tenant Act defined by the RCW, however, in his experience, that route is not always productive. If the city pays a visit, that can be much more effective.

He can assist with heat, and the recycling room if that becomes a fire hazard again. I suspect mold as well. He is not able to help with hot tub, ice on sidewalks, cleanliness, utility billing, and the like.

Before contacting him to request a visit, tenants with a safety issue will need to give the property manager official notice requesting repairs and give them the opportunity to make the repair in the timeframe required by law. **Please see his instructions highlighted in yellow below.** The sample text for a Notice Requesting Repairs is in the attached word doc.

Laura

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<https://www.washingtonlawhelp.org/resource/tenants-what-to-do-if-your-rental-needs-repai>

["Tenants: If You Need Repairs" Packet](#)

Begin forwarded message:

**From:** Don Cole <[Don.Cole@mercergov.org](mailto:Don.Cole@mercergov.org)>

**Subject:** Landlord Tenant law discussion

**Date:** November 4, 2022 at 3:37:16 PM PDT

**To:** "[laura.shepherd@comcast.net](mailto:laura.shepherd@comcast.net)" <[laura.shepherd@comcast.net](mailto:laura.shepherd@comcast.net)>

Hello Laura,

Per our phone conversation, here is a link to the Washington State Landlord-Tenant Law. Specifically, see RCW Section 59.18.115 providing the process for local government certification. **Please provide me a copy of your written and dated letter to your landlord requesting the repair(s). If they have not complied within the RCW's specified time frame for compliance, please call me to arrange a meeting time to certify your concerns.** <http://apps.leg.wa.gov/RCW/default.aspx?cite=59.18>

Also, below are two web site links that might provide a friendlier version of the RCW. However, I do not know if these sites are accurate or up to date, so please remember the actual RCW prevails.

<http://tenantsunion.org/en/rights/steps-to-request-a-repair>  
<https://www.washingtonlawhelp.org/resource/your-rights-as-a-tenant-in-washington>

Please let me know if I can be of further assistance.

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<a href="mailto:don.cole@mercergov.org">don.cole@mercergov.org</a>	<a href="http://www.mercergov.org">www.mercergov.org</a>
<a href="http://www.mybuildingpermit.com">www.mybuildingpermit.com</a>	<a href="#">Building Permit Information</a>

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***Please note the new permit counter hours for Community Planning & Development:***

<b><i>Monday</i></b>	<b><i>8:30 a.m. – 4:00 p.m.</i></b>
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<b><i>Wednesday</i></b>	<b><i>10:00 a.m. – 4:00 p.m.</i></b>
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NOTICE REQUESTING REPAIRS

Date: 10/24/2022

Cushman & Wakefield  
2630 77<sup>th</sup> Avenue SE  
Mercer Island, WA 98040

Dear Cushman & Wakefield,

This is to notify you that the rental unit **8231** at 7785 Sunset HWY, Mercer Island, Washington 98040, which you manage and which I occupy **needs repairs for the following defects:**

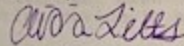
1. **Loss of heat.**
2. The **carbon monoxide (CO) ventilation system** in the garage is making a hamming/whining noise, which is a sign of **improper maintenance**. The extremely high concentrations of CO (aka the silent killer) produced by a car engine can raise CO concentrations to dangerous levels in just a minute or two within a garage no matter if it is completely enclosed or not. Large amounts of CO can overcome you in minutes without warning – causing you to lose consciousness and suffocate. Furthermore, the CO has the ability to leak into the units and hallways above. It takes several hours for CO to build up in a home for the CO detector's alarm to go off and currently there are **NO CO detectors in the hallways. CO is life threatening and therefore it is vital that we have a properly working ventilation system.** Finally, the resulting noise is a nuisance to the entire second floor of B building south side.
3. **Glass shower door**, which was shattered prior to move in. Shower is unusable in current state, as it would result in water damage to sounding areas.
4. **Loss of AC.**
5. **Loss of Hot water** from October 16-20; temporary fix as of October 20, but no confirmation that repairs are permanent.

The Washington Residential Landlord Tenant Act requires you to begin to make repairs requested by me within one of these specific time periods:

1. **Twenty-four (24) hours** to repair the loss of hot or cold water, **heat** or electricity, or a condition **imminently hazardous to life.** RCW 59.18.070 (1).
2. **Seventy-two (72) hours** when the defect deprives the tenant of the use of a refrigerator, range and oven, or a major plumbing fixture supplied by the landlord. RCW 59.18.070 (2).
3. **Ten (10) days in all other cases.** RCW 59.18.070 (3).

A list of landlord responsibilities required by the Act is attached. If the repairs are not completed within the applicable period of time, I intend to use the remedies provided in the Act.

Sincerely,



Alicia Litts

## Eileen Keiffer

---

**From:** Don Cole  
**Sent:** Friday, January 20, 2023 12:17 PM  
**To:** Alicia Litts  
**Subject:** Certification letter - Lack of permanent heat in dwelling unit

Subject Property: Unit B231, 77 Central Apartments, 2630 77th Ave SE, Mercer Island, WA 98040

Dear Alicia,

Per your request for an RCW 59.18.115 certification letter inspection, on January 19, 2023, I contacted Nora Grant, the property manager at 77 Central Apartments, to arrange a site inspection to review your specific listed concern about the lack of adequate permanent heat within your unit. Instead of arranging for an inspection, she confirmed that your unit does not have permanent heat at this time. So, an inspection was not necessary to verify the condition.

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**Sent:** Tuesday, November 29, 2022 3:09 PM



**To:** Alicia Litts <[adiane02@hotmail.com](mailto:adiane02@hotmail.com)>

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703.447.8789

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Laura

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**Subject:** Landlord Tenant law discussion

**Date:** November 4, 2022 at 3:37:16 PM PDT

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<a href="mailto:don.cole@mercergov.org">don.cole@mercergov.org</a>	<a href="http://www.mercergov.org">www.mercergov.org</a>
<a href="http://www.mybuildingpermit.com">www.mybuildingpermit.com</a>	<a href="#">Building Permit Information</a>

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NOTICE REQUESTING REPAIRS

Date: 10/24/2022

Cushman & Wakefield  
2630 77<sup>th</sup> Avenue SE  
Mercer Island, WA 98040

Dear Cushman & Wakefield,

This is to notify you that the rental unit **8231** at 7785 Sunset HWY, Mercer Island, Washington 98040, which you manage and which I occupy **needs repairs for the following defects:**

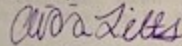
1. **Loss of heat.**
2. The **carbon monoxide (CO) ventilation system** in the garage is making a hamming/whining noise, which is a sign of **improper maintenance**. The extremely high concentrations of CO (aka the silent killer) produced by a car engine can raise CO concentrations to dangerous levels in just a minute or two within a garage no matter if it is completely enclosed or not. Large amounts of CO can overcome you in minutes without warning – causing you to lose consciousness and suffocate. Furthermore, the CO has the ability to leak into the units and hallways above. It takes several hours for CO to build up in a home for the CO detector's alarm to go off and currently there are **NO CO detectors in the hallways. CO is life threatening and therefore it is vital that we have a properly working ventilation system.** Finally, the resulting noise is a nuisance to the entire second floor of B building south side.
3. **Glass shower door**, which was shattered prior to move in. Shower is unusable in current state, as it would result in water damage to sounding areas.
4. **Loss of AC.**
5. **Loss of Hot water** from October 16-20; temporary fix as of October 20, but no confirmation that repairs are permanent.

The Washington Residential Landlord Tenant Act requires you to begin to make repairs requested by me within one of these specific time periods:

1. **Twenty-four (24) hours** to repair the loss of hot or cold water, **heat** or electricity, or a condition **imminently hazardous to life.** RCW 59.18.070 (1).
2. **Seventy-two (72) hours** when the defect deprives the tenant of the use of a refrigerator, range and oven, or a major plumbing fixture supplied by the landlord. RCW 59.18.070 (2).
3. **Ten (10) days in all other cases.** RCW 59.18.070 (3).

A list of landlord responsibilities required by the Act is attached. If the repairs are not completed within the applicable period of time, I intend to use the remedies provided in the Act.

Sincerely,



Alicia Litts